



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. BJ 2008 - 108

EXECUTIVE DEPARTMENT – LIMITED HIRING FREEZE

- WHEREAS,** pursuant to R.S. 42:375, the governor may issue executive orders which prohibit or regulate the filling of any new or existing vacancies in positions of employment in the executive branch of state government (hereafter "hiring freeze");
- WHEREAS,** R.S. 39:84 provides authority to the governor to regulate and control personnel transactions;
- WHEREAS,** the state cost share for FEMA-3289-EM, FEMA 1786-DR, FEMA-3295-EM and FEMA 1792-DR, relative to Hurricanes Gustav and Ike, is estimated to be one hundred million dollars (assuming a 10% cost share) or \$220 million dollars (assuming a 25% cost share);
- WHEREAS,** to limit or control the growth in government positions, to prepare for the financial impact of Hurricanes Gustav and Ike, and to prepare for the declining economic conditions in the ensuing years, prudent fiscal management practices dictate that the best interests of the citizens of the state of Louisiana will be served by the implementation of a hiring freeze in the executive branch of state government, exempting positions specifically related to direct patient care and positions that are critical to the safety of the public, to achieve at least a state general fund dollar savings of \$25 million;
- WHEREAS,** higher education plays a vital role for the citizens of our state. In addition, higher education in Louisiana has a unique management structure. Recognizing this, the Board of Regents, the Board of Supervisors of Louisiana State University Agricultural and Mechanical College, the Board of Supervisors of Southern University Agricultural and Mechanical College, the Board of Supervisors for the University of Louisiana System, and the Board of Supervisors of Louisiana Community and Technical Colleges should be authorized to provide for a hiring freeze, and for exemptions from such freeze, for positions which each Board has management authority over;
- WHEREAS,** the official forecast for Fiscal Year 2008-2009 state general fund revenue incorporates energy prices that are higher than current market conditions and does not consider the extent or duration of the slowdown in the national economy that is now unfolding;
- WHEREAS,** the Fiscal Year 2009-2010 official forecast plus legislative action from the 2008 Regular Session projects a decline of \$757 million in state general fund; and
- WHEREAS,** even with conservative predictions, current collections through October 2008 show each of these categories declining from the same time last year: personal income down 3.78% and corporate collections down 8%. Energy prices that were elevated in the early months of the fiscal year are rapidly weakening. All of these factors combined indicate that revenue will further decline in Fiscal Year 2009-2010, especially if economic conditions continue to worsen.

NOW THEREFORE, I, BOBBY JINDAL, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

- SECTION 1:**
- A. The following departments, agencies, and/or budget units of the executive branch of the state of Louisiana (hereafter "Unit and/or "Units"), as described in and/or funded by appropriations through Act 19 of the 2008 Regular Session of the Louisiana Legislature (hereafter "Act 19"), shall be subject to the hiring freeze as provided in this Executive Order:

Executive Branch
Schedule 01—Executive
Schedule 03—Veterans Affairs
Schedule 05—Economic Development
Schedule 07—Transportation and Development
Schedule 08—Corrections Services
Schedule 08—Public Safety Services
Schedule 08—Youth Services
Schedule 09—Health and Hospitals
Schedule 10—Social Services
Schedule 11—Natural Resources
Schedule 12—Revenue
Schedule 13—Environmental Quality
Schedule 14—Louisiana Workforce Commission
Schedule 16—Wildlife and Fisheries
Schedule 17—Civil Service
17-560---State Civil Service
17-561---Municipal Fire and Police Civil Service
17-562---Ethics Administration
17-563---State Police Commission
17-564---Division of Administrative Law
Schedule 19—Higher Education
Schedule 19—Department of Education
Schedule 19—Special Schools and Commissions
19B-651---Louisiana School for the Visually Impaired
19B-653---Louisiana School for the Deaf
19B-655---Louisiana Special Education Center
19B-657--- Louisiana School for Math, Science and the Arts
19B-661---Office of Student Financial Assistance
19B-662---Louisiana Educational TV Authority
19B-666---Board of Elementary & Secondary Education
19B-673---New Orleans Center for the Creative Arts

- B. The commissioner of administration is hereby authorized to and shall establish the number of positions and full-time equivalent positions, hereafter referred to as “positions”, to be frozen for each such department, agency, and/or budget unit specified in Paragraph A of this Section together with the expenditure of funds appropriated for such positions.
- C. After the effective date of this Order, employee transfers, promotions, re-allocations, and the creation of any new positions of employment within the executive branch of state government shall not, in any manner, decrease, or in the case of full-time equivalent increase, the number of such frozen positions within the department, budget unit, agency, office, within the executive branch of state government below the number frozen determined as provided in this Section unless otherwise adjusted by the commissioner of administration.
- D. The Board of Regents, the Board of Supervisors of Louisiana State University Agricultural and Mechanical College, the Board of Supervisors of Southern University Agricultural and Mechanical College, the Board of Supervisors for the Louisiana of Louisiana System, and the Board of Supervisors of the Louisiana Community and Technical Colleges are encouraged to implement a hiring freeze, and for exemptions thereto, for positions which each respective Board has management authority over.

SECTION 2:

- No later than December 1, 2008, in order to implement the freeze provided in Section 1, the head of each Unit listed in Section 1 of this Order shall submit to the commissioner of administration (hereafter “commissioner”) a mid-year budget adjustment plan, on the BA-7 form and questionnaire, which reflects the Unit’s proposed allocation of the position freeze ordered in Section 1 of this Order (hereafter “mid-year budget adjustment plan”), and a rationale or explanation of the mid-year budget adjustment plan.
- A. The allocation of the position freeze shall be implemented by the Unit only upon the commissioner’s prior written approval of the Unit’s mid-year budget adjustment plan.
- B. Once approved, a mid-year budget adjustment plan may not be changed without the commissioner’s prior written approval.

- SECTION 3:**
- A. The commissioner of administration is authorized to grant any department, budget unit, agency, office, in the executive branch of state government an exemption, on a case-by-case basis from all or a part of the prohibition set forth in Section 1 of this Order, as the commissioner deems necessary and appropriate. Such an exemption shall be express and in writing.
 - B. Requests for an exemption from all or a part of the prohibition set forth in Section 1 of this Order, on a case-by-case basis shall be submitted by the secretary or head of a department, or by the head of a budget unit, agency, office which is not within a department. Each request for an exemption shall be in writing and shall contain a description of the exemption sought and full justification for the request.
 - C. The commissioner of administration may develop guidelines pertaining to requests for exemption from all or part of the prohibition set forth in Section 1 of this Order.
 - D. If necessary, the commissioner of administration may develop definitions for the terms and/or the descriptions used in this Order.

SECTION 4: All departments, budget units, agencies, offices, entities, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 5: The governor, in accordance with R.S. 42:375(D) may order the commissioner of administration to withhold allotments in the appropriate category of expenditures from which the salary or compensation of any employee employed in violation of this executive order is paid in an amount equal to such compensation.

SECTION 6: This Order is effective upon signature and shall remain in effect through June 30, 2009, or until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 20th day of November, 2008.

/S/ Bobby Jindal
GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

/S/ Jay Dardenne
SECRETARY OF STATE